

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

BETTY KATHERINE SMITH

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**No. 1:20-cr-75-HSO-JCG-1
No. 1:22-cv-147-HSO**

**ORDER REQUIRING AFFIDAVIT FROM BETTY KATHERINE SMITH'S
FORMER COUNSEL, REQUIRING ANSWER BY THE UNITED STATES
ATTORNEY, AND ADVISORY TO BETTY KATHERINE SMITH**

BEFORE THE COURT is the Motion [81] of Betty Katherine Smith to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, filed pursuant to 28 U.S.C. § 2255. Pursuant to Rule 4 of the Rules Governing Section 2255 Proceedings for the United States District Courts ("Section 2255 Rules"), preliminary consideration of Smith's claims establishes that summary dismissal is not warranted. Accordingly,

IT IS, THEREFORE, ORDERED AND ADJUDGED that, copies of Betty Katherine Smith's pleadings and this Order shall be served by the Clerk of the Court upon the United States Attorney.

IT IS, FURTHER, ORDERED AND ADJUDGED that, the Government shall furnish a copy of Betty Katherine Smith's Motion to her former counsel, Michael Clark Hester, and that said former counsel shall respond to Smith's allegations within **thirty (30) days** of this Order by filing a written affidavit with

the Court. The Court further and specifically finds that Betty Katherine Smith has waived her right to claim an attorney-client privilege regarding her criminal case proceedings.

IT IS, FURTHER, ORDERED AND ADJUDGED that, the Government shall file its Answer in the form provided by Rule 5(b) of the § 2255 Rules no later than **thirty (30) days** after the above-referenced affidavit is filed by Smith's former counsel and shall forward a copy of its Answer to Betty Katherine Smith.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Betty Katherine Smith is to immediately notify the Clerk of Court and the United States Attorney in writing of any change in her address. She shall caption any such change of address advisories as "Notice to the Court of Change of Address" and not include any motions or other matters in such notice. This notice shall contain only information pertaining to the address change and the effective date of such change of address. Failure by Betty Katherine Smith to immediately notify the Clerk of Court and the United States Attorney of any change in her mailing address will be interpreted by the Court as a failure to prosecute and may result in the dismissal of her Motion.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Betty Katherine Smith is advised that she is obligated under both the Federal Rules of Civil Procedure and this Court's Local Rules to send to the United States Attorney a copy of all pleadings, motions or other documents she submits to the Clerk of this Court for filing. The Court may not consider any pleading, motion, or other document submitted for filing by Betty Katherine Smith that fails to contain a "Certificate of

Service” stating the date and method (e.g., hand delivery, certified mail or regular mail), by which she sent a copy of that pleading, motion or document to the United States Attorney.

SO ORDERED AND ADJUDGED, this the 14th day of June, 2022.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE